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LETTER DATED 9 MARCH 1993 FROM THE PERMANENT REPRESENTATIVE OF CANADA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Please find enclosed the submission of the Government of Canada as requested in paragraph 5 of Security Council resolution 771 (1992).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Louise FRECHETTE
Ambassador and
Permanent Representative

Annex

REPORT TO THE UNITED NATIONS PURSUANT TO UNSC RESOLUTIONS 771 (1992) AND 780 (1992)

1. INTRODUCTION

UN Security Council Resolution 771 (1992) called upon States and international humanitarian organizations to collate substantiated information in their possession or submitted to them relating to violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia and to make this information available to the Council.

In compliance with paragraph 5 of Security Council Resolution 771 (1992), Canada is submitting the present report. Part 1 of the report outlines the process established by Canada to collect information on breaches of international humanitarian law. Part 2 provides an analysis of the applicable law for all Parties to the conflict. Part 3 is a list of substantiated incidents of grave breaches of the Geneva Conventions and other violations of international humanitarian law. Where Canada has further substantiating information concerning the incidents included in the present report, it will be made available directly to the Commission of Experts on a confidential basis.

2. THE CANADIAN PROCESS

In response to the request of the United Nations Security Council in Resolutions 771 and 780, Canada established a process to collect information of violations of the 1949 Geneva Conventions, the 1977 Additional Protocols and other applicable international humanitarian law. At the beginning of November, 1992, a Canadian Information Coordinator was appointed to accomplish this task.

The first stage in the Canadian process consisted of the collection of information from a variety of sources in order to provide a complete factual background to the crisis. The information collected includes sixty-five reports from non-governmental and regional organizations, governments and the United Nations (see Bibliography, Annex 1) and corroborating reports from credible Canadian sources. These Canadian sources are not all indicated in the report but this information will be made available to the UN Commission of Experts for use in their investigative work. All the reports collected and all relevant information have been gathered in a database which classifies the information by setting out the allegation, the location, the date, names or group affiliation of the perpetrator(s) and victim(s), and the source of the allegations. The present report compiles those allegations which are corroborated by a wide variety of sources.

The second phase began on 12 January 1993 when Canada's Secretary of State for External Affairs invited members of the Canadian public to provide substantiated information on breaches of international humanitarian law in the former Yugoslavia. Those able to provide information have been requested to complete a form designed to gather relevant and detailed information on such allegations (a copy of the form is attached as Annex 2). All the information received will be analyzed and cross-referenced to information from other sources. The information submitted to the Information Coordinator will provide the basis for subsequent reports to the Secretary-General and will be made available to the UN Commission of Experts.

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3. ANALYSIS OF APPLICABLE LAW

In its Resolution 771 (1992), the Security Council specifically referred to the international obligations flowing from international humanitarian law and the Geneva Conventions, as well as the individual responsibility of those who commit or order the commission of grave breaches of international humanitarian law.

International humanitarian law includes, most notably, the Hague Conventions of 1899 and 1907, the four Geneva Conventions of 12 August 1949, the two 1977 Additional Protocols, rules applicable in armed conflict set forth in international agreements to which the Parties to the conflict have agreed and the generally recognized principles and rules of international law which apply to armed conflict. The UN Commission of Experts has recognized that the applicable rules include the prohibition of genocide, as codified in the Genocide Convention, as well as fundamental norms of international human rights law. International humanitarian law covers both international and non-international armed conflicts although the rules governing each type vary significantly.

To identify incidents which may constitute grave breaches of humanitarian law in the territory of the former Yugoslavia, it is necessary to first determine the applicable treaty law for each Republic.

3.1 The former Socialist Federal Republic of Yugoslavia (SFRY)

The former SFRY ratified the four Geneva Conventions of 1949 in 1950; the two Additional Protocols of 1977 in 1978 and the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict (1954) in 1961. The SFRY also became a party to a number of human rights instruments, including the Genocide Convention (1948), the International Convention on the Elimination of all forms of Racial Discrimination (1966), the

International Covenant on Economic, Social and Cultural Rights (1966), and the Convention against Torture and other Cruel and Inhuman or Degrading Treatment (1984). These ratifications by the SFRY confirm its international obligations to respect international humanitarian and human rights law.

3.2 The Federal Republic of Yugoslavia (FRY)

The FRY (made up of Serbia and Montenegro since 27 April 1992) expressed its wish to be recognized as the successor State to SFRY, and proclaimed "the Federal Republic of Yugoslavia, continuing the State, international legal and political personality of the Socialist Republic of Yugoslavia".

The claim of succession formulated by the FRY was based on the following argument:

> The basic criteria for the continuity and personality of a State are: significant portions of the territory which continues its existence; a major portion of the population; an independent government and organization of authority operating in accordance with the country's constitution. The nucleus of Yugoslavia (...) was formed by Serbia and Montenegro, which invested their statehood into the State of Yugoslavia together with all their rights and obligations, international treaties and membership in international organizations ... Consequently, we have all the physical and material as well as legal conditions for Yugoslavia's uninterrupted identity and existence. This view of continuity and identity does not prejudice the possibility of new States acquiring international recognition in accordance with international law.

The claim to succeed to the rights and obligations of the former Socialist Federal Republic of Yugoslavia (the SFRY) implies the Federal Republic of Yugoslavia's willingness to succeed to international agreements ratified by the former SFRY, including its obligations under international humanitarian law. Therefore, the FRY is bound by all international instruments pertaining to human rights and humanitarian law ratified by the former SFRY.

3.3 Croatia

In order to determine which body of law is applicable to the conflict occurring in Croatia, various factors must be examined. These factors include: (1) Croatia's declarations of independence and of succession to the four Geneva Conventions and Additional Protocols of 1977; (2) the agreement reached with other Parties to the conflict to respect international humanitarian law provisions; and (3) the applicability of Article 2 common to the Geneva Conventions.

Croatia declared that it considers itself bound by all international agreements (both bilateral and multilateral) ratified by SFRY and its predecessor states back to 1918, with some limited exceptions. In particular, Croatia considered itself a party and fully bound to the Geneva Conventions and the two Additional Protocols as of 8 October 1991. On 11 May 1992, the Republic of Croatia deposited with the Swiss Government a declaration of succession, without reservations, to the four Geneva Conventions of 12 August 1949 and the two Additional Protocols of 8 June 1977. It can be considered that since Croatia agreed to be bound by these international instruments, the four Geneva Conventions and the two Additional Protocols came into force for Croatia on 8 October 1991.

The SFRY has not accorded **de jure** recognition to Croatia and could consider the conflict taking place in Croatia to be internal in nature and not governed by all four Geneva Conventions and Additional Protocols. However, on 5 November 1991 at the Hague, an agreement was concluded among the Presidents of the six Republics in which they declared their willingness to respect international humanitarian law (see Annex 3 for a copy of the Statement of Respect). At the invitation of the International Committee of the Red Cross (ICRC), plenipotentiary representatives of the Republic of Croatia, the Republic of Serbia, and the Socialist Federal Republic of Yugoslavia met in Geneva on 26 and 27 November 1991. The meeting

confirmed the declaration of respect of international humanitarian law made on 5 November 1991. A memorandum of understanding was signed on 27 November 1991 on the implementation of the provisions of the 1949 Geneva Conventions and Additional Protocol I that provide protection for the wounded and sick, civilians and prisoners, and govern the conduct of hostilities (see Annex 4 for a copy of the memorandum of understanding). Therefore, starting 27 November 1991, those provisions of the 1949 Geneva Conventions and Additional Protocol I apply to all Parties to the conflict in Croatia based on the 26-27 November agreement.

On 2 January 1992, a fifteenth cease-fire was agreed upon by Croatia and the SFRY Army. The plan also involved the replacement of the JNA troops by a 14,000 member United Nations peacekeeping force. On 15 January 1992, Croatian independence was recognized by, among other countries, Canada and the EC. Therefore, until the complete withdrawal of the Belgrade-controlled JNA, international humanitarian law covering international armed conflict is applicable to the conflict; the criteria set forth in Article 2 of the four Geneva Conventions are met and the conflict in Croatia can be considered as an armed conflict arising between two High Contracting Parties.

In conclusion, reviewing the events which took place in Croatia, four stages can be identified: (1) Prior to the Croatian declaration of independence on 8 October 1991, the body of law governing internal armed conflicts is applicable; (2) between 8 October 1991 and 27 November 1991, since Croatia agreed to be bound by the four Geneva Conventions and the Additional Protocols, these international instruments apply to Croatia (Croatian armed forces); (3) from 27 November 1991 to 15 January 1992, provisions of the 1949 Geneva Conventions and Additional Protocol I apply to all parties to the conflict on the basis of their own commitment to implement the above instruments and finally; (4) starting on 15 January when the international community recognized Croatia's independence, provisions covering

international armed conflicts apply to the parties to the November agreement and also, on the basis of common Article 2 of the Geneva Conventions providing for the application of the Conventions to cases of armed conflict arising between two "High Contracting Parties", until the complete withdrawal of the Belgrade controlled JNA troops in Croatia.

3.4 Bosnia-Hercegovina

A referendum on independence was held in Bosnia-Hercegovina on 1 March 1992. After the results of the referendum were announced, President Izetbegovic declared the republic independent and called for international recognition. The international community recognized Bosnia-Hercegovina's independence on 6-7 April 1992; during the same period hostilities among the various groups became widespread.

Before the hostilities began in Bosnia-Hercegovina, on 5 November 1991, the President of the Republic made, with the Presidents of the five other Republics, a declaration of respect for international humanitarian law (see Annex 3 for a copy of the Statement).

On 22 May 1992 in Geneva, representatives of the President of the Republic of Bosnia-Hercegovina, of the President of the Serbian Democratic Party, of the President of the Party of Democratic Action and of the President of the Croatian Democratic Community, all Bosnia-Hercegovina groups, met to discuss different aspects of the application and implementation of international humanitarian law within Bosnia-Hercegovina. As a result of the meeting, the parties agreed on the application of basic principles of international humanitarian law. The Parties have agreed to bring into force a special agreement in accordance with Article 3 of the four Geneva Conventions of 12 August 1949, which provides that the "Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention".

The Agreement contains provisions on: 1) the displacement of the civilian population and free access to civilians in all places; 2) captured combatants; 3) conduct of hostilities; 4) assistance to the civilian population; 5) Red Cross emblem; 6) dissemination; 7) implementation; and 8) general provisions on the respect of the agreement. (See Annex 5 for a copy of the entire Agreement).

On the basis of the Agreement of the 22 May 1992, on 30 September-1 October 1992, an agreement was signed in London on the release and transfer of prisoners. The Agreement was accepted by representatives of the President of the Republic of Bosnia-Hercegovina, the President of the Serbian Democratic Party, of the President of the Croatian Democratic Community, of the Party of Democratic Action and liaison officers of the Serbian Democratic Party and of the Presidency of the Republic of Bosnia-Hercegovina. It contains provisions on: 1) prisoners covered by the agreement (combatants and civilians deprived of their liberty for reasons related to the conflict); 2) the parties' responsibility for prisoners; 3) the release of prisoners (all prisoners not accused of, or sentenced for, grave breaches of international humanitarian law, and if the ICRC so requests); 4) judicial guaranties; 5) assistance to prisoners released or transferred; 6) notification of prisoners; 7)enquiries; 8) ICRC access to prisoners; 9) notification of releases without ICRC involvement; 10) right of prisoners to return to their residence; 11) validity of documents signed by prisoners or civilians and; 12) activities after release (interdiction to recruit prisoners released and/or transferred under the agreement into the armed forces of the parties). (See Annex 6 for a copy of the entire Agreement).

In conclusion, the applicable international humanitarian law in Bosnia-Hercegovina is based on the provisions of the above special Agreements to which the Parties agreed to be bound.

4. LIST OF SUBSTANTIATED INCIDENTS

The following list of substantiated incidents is part of the first phase of the Canadian process of collecting information on breaches of international humanitarian law. The sources of information regarding these incidents are reports produced by regional organizations and reputable non-governmental organisations, credible Canadian sources, the United Nations and by governments. The selection of events which are incorporated in the list is based upon the quality of reports describing the allegation and therefore, the list does not claim to be an exhaustive list of all allegations, but rather a list of the best substantiated allegations gathered from various sources during the Canadian process prior to January 1993.

4.1 Village of Marino Selo (Municipality of Pakrac, Croatia)

> Allegation: in mid-November 1991, members of the Croatian Army arrested Serbs and brought them to the village of Marino Selo where they were beaten and later executed in December 1991.

This allegation is reported by one credible Canadian source, one non-governmental organization and one regional organization.

A credible Canadian source gives very specific details about the allegation, including names of perpetrators and victims, and the location of two alleged mass graves.

The allegation is also reported in the February 1992 Report of Helsinki Watch and in the Corell, Turk and Thune Report under the Moscow Human Dimension Mechanism to Croatia (30 September- 5 October 1992).

4.2 **Gospic** (near central West Coast, Croatia)

> Allegation: In late December 1991, 24 bodies were found burnt near the villages of Siroka Kula and Perusic (municipalities of Gospic). Five more were found near by. According to the reports, five or six men dressed in uniforms of the type worn by the Croatian police prior to the changes introduced in 1990, entered a basement shelter where mainly Serbian families were taking refuge from the fighting. Some Serbs were taken away. On 25 December, 24 charred bodies were found close to the village of Perussic. Among the bodies, some were identified as Serbs abducted from Gospic. According to a Belgrade pathologist, Dr Z. Stankovic, several victims had their skulls cracked with blunt instruments. Some of the victims reportedly died of gunshot wounds to the chest or back of the head.

This allegation is reported by various press and non-governmental organizations.

Helsinki Watch (13 February Report) gives detailed information on the allegation following interviews with Gospic residents and a pathologist from Belgrade. The **New York Times** (25 January 1992), the Croatian Press (November 1991) and Amnesty International (March 1992, in reference to Helsinki Watch Report) also report the incident.

4.3 **Vocin** (North-East of Daruvar, Croatia)

> Report: In December 1991, 43 people, many of them women and elderly men, were reportedly killed by Serbian paramilitary forces. As the paramilitary left the village after a Croatian offensive on the night of 13 November 1991, they are alleged to have destroyed Croatian houses and blown up a Roman Catholic church which they have used to store ammunition. Results of the autopsies show that most were killed by gunshot; two women died has a result of wounds by a heavy sharp tool, while the cause of death of others could not be established because their bodies have been severely burnt.

This allegation is reported by three non-governmental organizations and one State.

This allegation is reported by Amnesty International ("Further Reports of Torture and Deliberate and Arbitrary Killings", p. 6). Amnesty International refers to a report issued on 19 December 1991 by the Institute for Forensic Medicine of Zagreb University containing results of autopsies held on the dead. Names, age and cause of death are provided as well as testimony from relatives of the victims.

The allegation is also referred to by Helsinki Watch (February Report) and by the International Society for Human Rights (12 July 1992, p. 7) and in a letter from the Permanent Representative of France to the UN (5 November 1992) .

4.4 Vukovar and vicinity (Croatia)

> Report: Existence of several mass graves following the disappearance of 2,000 to 3,000 unarmed civilians who may have been executed by the combined forces of the JNA and Serbian irregular forces.

This allegation is reported by a non-governmental, organization, the press, a regional organization, a United Nations body, and credible Canadian sources.

The Report on the Situation of Human Rights in the Territory of Former Yugoslavia submitted by Mr. Mazowiecki (E/CN.4/1992/S-1, 27 October 1992) describes the allegation and contains the report of Dr C. Snow, a forensic anthropologist. Dr Snow, on the basis of testimonies of witnesses from Vukovar, located a site which appears to be a mass grave of victims of war crimes.

Also the Corell, Turk and Thune Report under the Moscow Human Dimension Mechanism to Croatia (30 September - 5 October 1992) reports that, according to several sources, there are between ten and fifteen mass graves in Vukovar and vicinity.

Amnesty International ("Further Reports of Torture and Deliberate and Arbitrary Killings in War Zones", March 1992) does not mention the existence of mass graves, however, in reference to Croatian official sources, they indicate that at least 4,800 Croats and non-Serbs have gone missing during the conflict. Many of these were wounded Croatian soldiers and civilians who were arrested by JNA and Serbian paramilitary forces after the fall of Vukovar on 18 November 1991.

4.5 Tordinci (vicinity of Vinkovci, Eastern Croatia)

Allegation: mass graves containing a large number of Croat soldiers and civilians.

Two sources report the existence of mass graves in Tordinci; one source a non-governmental organizations and the other a credible Canadian source.

The International Society for Human Rights in a report dated July 1992 mentions the existence of a mass grave containing the bodies of over 100 Croat soldiers and civilians which has been discovered by UN forces. Tordinci has been occupied by Serb militia units.

A credible Canadian source reports that at least 200 to 300 Croat bodies, most of them elderly people and civilians, have been buried in Tordinci.

4.6 **Bijeljina** (municipality of Bojeljina, East B-H)

Allegation: Summary executions of a large number of Muslim civilians at the beginning of April 1992 by Serbian paramilitaries.

This allegation was reported by a credible Canadian source and two non-governmental organizations.

The Council of Human Rights and Fundamental Freedoms (Republic of Slovenia) provides the testimony of one witness to the allegation. This report does not specify the number of people allegedly killed during the incident. However, it was reported that dead bodies were found in the streets, later they were piled up and carried away. Human Rights Watch also reported the incident. Individual interviews with six residents from Bijeljina were held on 4 June 1992 in the Republic of Slovenia. They all confirmed the allegation. No account of the number of wounded or dead due to the incident is provided.

A credible Canadian source also reports the allegation that approximately one thousand Muslims were killed in one day with no records of hostilities taking place.

5. LIST OF ALLEGED CONCENTRATION CAMPS

5.1 **Trnopolje** (North-West of Banja Luka, Kozarac region, B-H)

Allegation: This so called "open camp" is alleged to have been used by Serbian forces to hold Muslims. There are numerous accounts of torture, ill-treatment and deliberate and arbitrary killings of inmates in the camp.

A large number of allegations are reported in non-governmental and regional organization reports, government reports and the report of a United Nations body.

Amnesty International ("Bosnia-Hercegovina: Gross Abuses of Basic Human Rights") and Helsinki Watch ("War Crimes in Bosnia-Hercegovina") report the existence of Trnopolje camp, where Muslims women and children are detained.

Two Government report also mention the existence of the camp. In the French report, the testimony of a Muslim survivor reports the existence of 6,000 women and children detainees. In the US report, allegations of beatings and killings are reported.

In the CSCE Report, the number of inmates is estimated at 2,000. The Special rapporteur, Mr T. Mazowiecki, in his Report to the UNCHR (27 October 1992) was shocked by the conditions of living in the camp. He writes: "More than 3,000 people were cramped into three buildings and a few small houses, where they live in unspeakable squalor, sleeping on thin blankets and lice-infected straw, drinking contaminated water and surviving on minimum rations of bread."

5.2 Omarska (North-West of Banja Luka, Kozarac region, B-H)

Allegation: Existence of a detention camp used by Serbian forces for the detention of Muslim and Croat men. Alleged beatings and mistreatment of the prisoners in the camp.

A large number of allegations are reported in a non-governmental organization's report, government reports and also by one victim.

Amnesty International ("Bosnia-Hercegovina: Gross Abuses of Basic Human Rights") and Helsinki Watch ("War Crimes in Bosnia-Hercegovina") mention the existence of facilities at an iron-ore mine near the village of Omarska. Following interviews with ex-detainees by Amnesty International, frequent beating, torture and ill-treatment were reported. Since early 1992, a large number of detainees are believed to have been transferred to Manjaca and Trnopolje.

Government reports from France and the United States also indicate the existence of Omarska camp. Among many allegations of beatings, torture, ill-treatment and killings, in the US Report dated 6 November 1992, a Muslim detainee at the camp testified that his duty at the camp was to help transport the bodies of 10-20 dead prisoners each day.

There is one statement written by a priest following his experience at Omarska camp. The priest testified that "they beat us with whatever they could, their hands, feet, wooden planks (...) and battens (...) [at night] in front of the door stands a guard and he calls either ten or fifteen men to come out and these men never return (...) by my calculations and the rest of the prisoners, 1,300 people died and the majority of them intellectuals."

5.3 Brcko (North-East B-H)

Allegation: Alleged concentration camp operated by the Serbian Army.

Various sources report the existence of Brcko camp, including credible Canadian sources, perpetrators (reported in the Press) and government reports.

An article published by Reuters reporting the testimony of two Bosnian reservists held as prisoners of war say that they took part in the execution of Muslim and Croat civilians in the northern Bosnian town of Brcko. They said that they shot and cut the throats of about eighty men on 16-17 May 1992 at a fenced warehouse depot used as detention camp in the town's port on the Sara River.

In four United States reports, there are allegations of crimes committed at the Brcko alleged concentration camp. Reports of torture and mass killings, are included, notably in May 1992.

5.4 Manjaca (south of Banja Luka, B-H)

Allegation: Concentration camp operated by the Serbian Army of Bosnia-Hercegovina.

Allegations of the existence of a concentration camp in Manjaca are found in non-governmental, regional organization and State reports, United Nations and credible Canadian sources.

Amnesty International reports the existence of buildings at a cattle farm which were used as a prisoner-of-war camp in the summer and autumn of 1991. Croatian soldiers were held there during the war, however, since early spring of 1992, the same buildings were used to hold both Croats and Muslims. It is believed that most of them were civilians. Many sources agree that ill-treatment and torture were frequent, and that conditions in the camp were extremely poor. Also, there are allegations of the deliberate and arbitrary killings of prisoners.

Following a visit to the facility, the CSCE mission reported that "prisoners exhibit signs of very serious malnourishment". Conditions were believed to have improved after the visits of international delegations, the press and the ICRC.

The mission sent by the Commission on Human Rights to investigate first hand the situation in the territory of the former Yugoslavia (E/CN.4/1992/S-1/9, 28 August 1992) was denied access to the camp. However, the mission reached the camp and was informed by the officer in charge that 3,000 prisoners of war were held there. It was also informed by other persons that visited the camp that many prisoners were in poor condition, with signs of malnutrition and in some cases torture.

A credible Canadian source reported that the camp at one point contained approximately 700 detainees, 70 percent Muslims and 30 percent Croats. Many detainees are believed to have been tortured to death.

In its first report (09/23/92), the United States mentioned the discovery of 25 bodies of emaciated men, believed to be prisoners, with their throats cut. Also, in the second United States report based on an interview with an ex-detainee, there are allegations of beating and rape.

5.5 Bosanski Brod (B-H)

Allegation: Detention camp held by Croats. Most prisoners are Serbs and believed to be civilians, including women, wounded and elderly people.

This allegation was reported by two credible Canadian sources.

Enclosure 1

LIST OF MATERIAL ON YUGOSLAVIA

A. INTER-GOVERNMENTAL REPORTS

1. UNITED NATIONS COMMISSION ON HUMAN RIGHTS (UHCHR)

-"Report on the situation of human rights in the territory of former Yugoslavia", (special Rapporteur: Tadeusz Mazowiecki), 28 August 1992.

-"Report on the situation of HR in the territory of former Yugoslavia", 27 October 1992.

2. SECRETARY GENERAL

"Report of the Secretary General pursuant to SC Res. 749 (1992)", 12 May 1992

"Further Report of the Secretary General pursuant to S.C. Res. 743(1992) and 762 (1992)

3. CONFERENCE ON SECURITY AND COOPERATION IN EUROPE (CSCE)

"Report of CSCE Mission to inspect places of detention in B-H", 29 August-4 September 1992.

"Report under the Moscow Human Dimension Mechanism to Croatia", CSCE, October 1992.

B. GOVERNMENT REPORTS

1. BOSNIA-HERCEGOVINA (29 July 1992)

2. FRANCE (5 November 1992)

3. UNITED STATES

23 September 1992 (1st Report)
23 October 1992 (2nd Report)
6 November 1992 (3rd Report)
7 December 1992 (4th Report)

C. NON-GOVERNMENTAL ORGANIZATIONS REPORTS

1. AMNESTY INTERNATIONAL (London)

"Further Reports of Torture and deliberate and arbitrary killings in War Zones", March 1992.

"Bosnia-Herzegovina: Gross Abuses of Basic Human Rights", October 1992.

2. HELSINKI WATCH (Human Rights Watch, New York)

"Helsinki Watch Report on HR abuses in Croatia", February 1992.

"Helsinki Watch Report on War Crimes in Bosnia-Hercegovina", August 1992.

3. INTERNATIONAL COMMITTEE OF THE RED CROSS

Report by Cornelio Sommaruga (pres. of ICRC): "Saving Lives in Bosnia-Herzegovina", 3 October 1992.

4. INTERNATIONAL HELSINKI FEDERATION FOR HUMAN RIGHTS

"Serbian Police Shoot and Kill Ethnic Albanian in Kosovo", Vienna, May 1992.

5. INTERNATIONAL SOCIETY FOR HUMAN RIGHTS (London)

"Report by the International Society for Human Rights; Human Rights in the former Yugoslav States, Report 2 on Ethnic Cleansing, July 1992.

6. SAVE THE HUMANITY (Sarajevo)

"Statements of Witnesses and Report on War destructions, violations of Human Rights and Crimes Against Humanity in Bosnia-Herzegovina", June 15, 1992.

"Report on on-going War Destructions, Violation of Human Rights and Crimes Agaisnt Humanity in B-H" (PART II), 7 July 1992.

7. UNION FOR PEACE AND HUMANITARIAN AID TO B & H (Sweden),

"Report to the European Court for Human Rights in Geneva Against War Criminals, through international Red Cross in Stockholm", 28 October 1992.

8. REFUGEES OF BOSNIA-HERCEGOVINA

"Urgent Information on the Crisis in Bosnia and Hercegovina", Madison, 25 June, 1992

9. "F TEAM' (Zagreb)

"Report on Statements about violations of the Second Protocol to the Geneva Conventions concerning Slunj, the surrounding villages situated in the region south of Slunj and villages in the municipality of Korenica", 10 November 1991.

10. COUNCIL OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (Slovenia),

"Testimonies on Killing of Civilians Committed by Serbian Forces Outside a Combat Context in Bosnia-Herzegovina", September 1992.

2. INTERNATIONAL CENTRE FOR HUMAN RIGHTS AND DEMOCRATIC DEVELOPMENT (Montreal), "Statement on the Situation of Women in the Former Yugoslavia by the Honorable Edward Broadbent, President of the International Centre for Human Rights and Democratic Development", 30 November 1992.

D. OTHER MATERIAL (Doctrine)

BASSIOUNI, Cherif, "The Time Has Come for an International Tribunal Court", in Indiana International & Comparative Law Review, Vol. 1, No. 1, Spring 1991, pp. 1-43.

BOGWELL, Ben, "Yugoslavian Constitutional Questions: Self-Determination and Secession of Member Republics", in Georgia Journal of International Law, Vol. 21, No. 3, Fall 1991, pp. 489-523.

BOURLOYANNIS, Christiane, " The Security Council of the United Nations and the Implementation of International Humanitarian Law", in Denver Journal of International Law and Policy, Vol. 20, No. 2, Winter 1990, United States, pp. 305-334

COLBY, Elbridge, "War Crimes", in Michigan Law Review, Vol. 23, March-April 1925, pp. 482-511, 606-634.

COLBY, Elbridge, "War Crimes and Their Punishment", in Minesota Law Review, Vol. 8, 1924, pp. 40-58.

FENRICK, W.J., "The Prosecution of War Criminals in Canada", in Dalhousie Law Journal, Vol. 12, No. 2, November 1989, pp. 254-297.

MOORE, Patrick, " Islamic Aspect of the Yugoslav Crisis", in RFE/RL Research Report, Vol. 1, No. 28, 10 July 1992, pp. 37-42.

MOORE, Patrick, "Ethnic Cleansing in Bosnia: Outrage but Little Action", in RFE/RL Research Report, Vol. 1, No. 34, 28 August 1992, pp. 1-7.

NIER, Charles Lewis III, "The Yugoslav Civil War: An Analysis of the Applicability of the Laws of War Governing Non-International Armed Conflicts in the Mondern World" in Dickinson Journal of International Law, Vol. 10, Number 2, Winter 1992, United States, pp. 303-331.

WELLER, Marc, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", in American Journal of International Law, Vol. 86, No. 3, July 1992, pp. 569-607.

Enclosure 2

DATA INPUT FORM

Those able to provide substantiated information on breaches of humanitarian law in the former Yugoslavia are invited to complete the following questions and submit this form to:

Information Coordinator
160 Elgin Street
Main Plaza
P.O. Box 70090
Ottawa, Ontario
K2P 2M3

Canada will draw on information gathered by this process in preparing a report to the United Nations Secretary General.

Please note that this form is not to be used in claiming compensation for loses arising from the conflict.

Please do not be discouraged by the length and detail of this form. You may have answers only for few questions, however even partially completed forms can be useful. Please, answer in either French or English and send before February 28, 1993.

1-IDENTIFICATION OF THE PERSON MAKING THE REPORT

The source of this information will be treated in confidence, if you so desire.

1.1 Name:

1.2 Address:

1.3 Relationship, if any, to the victim(s)/perpetrator(s):

1.4 How did you obtain this information? (What is your source?):

1.5 Please check this box if you wish the information in this part 1 to be kept confidential:

2-IDENTIFICATION OF THE VICTIM(S)

2.1 Name:

2.2 Date of birth:

2.3 Sex:

2.4 Ethnic or minority group:

2.5 Status (civilian, combatant, prisoner of war, detainee, journalist, wounded or sick, medical personnel, child, other):

2.6 Was the victim carrying arms (weapons) at the time of the allegation? What was the victim doing at the time of the incident?

3. DESCRIPTION OF EVENTS

3.1 Date:

3.2 Location (street, village, city, region, Republic):

3.3 Allegation (for example: execution, torture, rape, unjustifiable confinement, forcible displacement, deportation, disappearance, hostage-taking, mistreatment in detention, unfair trial, attacks on medical or relief personnel and vehicles, targeting of civilians and civilian objects, attacks against journalists, denial of food supply, targeting of historic buildings and churches, pillage, etc.):

4. PERPETRATOR(S)

4.1 Name(s)

4.2 Status (military (rank, if possible), civilian, other)

4.3 Unit or group suspected (detail any identifying symbols, i.e uniforms, name tags, etc.)

4.4 Name of commanding officer, if known:

5. WITNESSES

5.1 Are there other witnesses? What are their names? Addresses?

5.2 If available, please attach the statements or completed forms of other witnesses to the alleged incident.

6. SUPPLEMENTARY INFORMATION (you may add any other information you have, including documents, photographs, maps, etc.):

Enclosure 3

THE STATEMENT ON RESPECT OF HUMANITARIAN PRINCIPLES made by the Presidents of the six Republics in the Hague on 5 November 1991

We, The undersigned,

undertake to respect and ensure respect of International Humanitarian Law and remind all Fighting Units of their obligation to apply the following fundamental principles:

- wounded and ill persons must be helped and protected in all circumstances,

- all arrested persons, and notably combatants who have surrendered, must be treated with humanity,

- all detaining authorities must ensure the protection of the prisoners,

- the civilian population and civilian property must not be attacked,

- the Red Cross emblem must be respected. It may be used only to designate sanitary troops or buildings as well as persons and vehicles belonging to this service,

- all Red Cross personnel and medical personnel assisting civilian populations and persons hors de combat must be granted the necessary freedom of movement to achieve their tasks,

- unconditional support for the action of the ICRC in favour of the victims

support unreservedly the humanitarian action of the Red Cross and in particular of the International Committee of the Red Cross (ICRC).

Enclosure 4

MEMORANDUM OF UNDERSTANDING SIGNED IN GENEVA UNDER THE AUSPICES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) ON NOVEMBER 27, 1991 BY THE PLENIPOTENTIARY REPRESENTATIVES OF THE REPUBLIC OF CROATIA, THE FEDERAL REPUBLIC OF YUGOSLAVIA AND THE REPUBLIC OF SERBIA have agreed to the following:

(1) Wounded and sick

All wounded and sick on land shall be treated in accordance with the provisions of the First Geneva Convention of August 12, 1949.

(2) Wounded, sick and shipwrecked at sea

All wounded, sick and shipwrecked at sea shall be treated in accordance with the provisions of the Second Geneva Convention of August 12, 1949.

(3) Captured combatants

Captured combatants shall enjoy the treatment provided for by the Third Geneva Convention of August 12, 1949.

(4) Civilians in the power of the adverse party

Civilians who are in the power of the adverse party and who are deprived of their liberty for reasons related to the armed conflict shall benefit from the rules relating to the treatment of internees laid down in the Fourth Geneva Convention of August 12, 1949 (Articles 79 to 149)

All civilians shall be treated in accordance with Articles 72 to 79 of Additional Protocol I.

(5) Protection of the civilian population against certain consequences of hostilities

The civilian population is protected by Articles 10 to of the Fourth Geneva Convention of August 12, 1949.

(6) Conduct of hostilities

Hostilities shall be conducted in accordance with Articles 35 to 42 and Articles 48 to 58 of Additional Protocol I, and the Protocol on Prohibition or Restrictions on the Use of Mines, Booby Traps and Other Devices annexed to the 1980 Weapons Convention.

(7) Establishment of protected zones

The parties agree that for the establishment of protected zones, the annexed standard draft agreement shall be used as a basis for negotiations.

(8) Tracing of missing persons

The parties agree to set up a Joint Commission to trace missing persons; the Joint Commission will be made up of representatives of the parties concerned, all Red Cross Organizations concerned and in particular the Yugoslav Red Cross, the Croatian Red Cross and the Serbian Red Cross with ICRC participation.

(9) Assistance to the civilian population

The parties shall allow the free passage of all consignments of medicines and medical supplies, essential foodstuffs and clothing which are destined exclusively for the other party's civilian population, it being understood that both parties are entitled to verify that the consignments are not diverted from their destination.

They shall consent to and cooperate with operations to provide the civilian population with exclusively humanitarian, impartial and non-discriminatory assistance. All facilities will be given in particular to the ICRC.

(10) Red Cross emblem

the parties undertake to comply with the rules relating to the use of the Red Cross emblem. In particular, they shall ensure that these rules are observed by all persons under their authority.

The parties shall repress any misuse of the emblem and any attack on persons or property under its protection.

(11) Forwarding of allegations

The parties may forward to the ICRC any allegations of violations of international Humanitarian law, with sufficient details to enable the party reportedly responsible to open an enquiry.

The ICRC will not inform the other party of such allegations if they are expressed in abusive terms or if they are made public.

Each party undertakes, when it is officially informed of such an allegation made or forwarded by the ICRC, to open an enquiry promptly and pursue it conscientiously, and to take the necessary steps to put an end to the alleged violations or prevent their recurrence and to punish those responsible in accordance with the law in force.

(12) Requests for an enquiry

Should the ICRC be asked to institute an enquiry, it may use its good offices to set up a commission of enquiry outside the institution and in accordance with its principles.

The ICRC will take part in the establishment of such a commission only by virtue of a general agreement or an ad hoc agreement with all the parties concerned.

(13) Dissemination

The parties undertake to spread knowledge of and promote respect for the principles and rules of international humanitarian law and the terms of the present agreement, especially among combatants. This shall be done in particular:

- by providing appropriate instruction on the rules of international humanitarian law to all units under their command, control or political influence, and to paramilitary or irregular units not formally under their command, control or political influence;

- by facilitating the dissemination of ICRC appeals urging respect for international humanitarian law;

- via articles in the press, and radio and television programmes prepared also in cooperation with the ICRC and broadcast simultaneously;

- by distributing ICRC publications.

(14) General provisions

The parties will respect the provisions of the Geneva Conventions and will ensure that any paramilitary or irregular units not formally under their command, control or political influence respect the present agreement.
The application of the preceding provisions shall not affect the legal status of the parties to the conflict.

(15) Next meeting

The next meeting will take place in Geneva on 19-20 December,

Enclosure 5

AGREEMENT

At the invitation of the International Committee of the Red Cross,

Mr. K. Trnka, Representative of Mr. Alija Izetbegovic President of the Republic of Bosnia-Herzegovina

Mr. D. Kalinic, Representative of Mr. Radovan Karadzic President of the Serbian Democratic Party

Mr. J. Djogo, Representative of Mr. Radovan Karadzic President of the Serbian Democratic Party

Mr. A. Kurjak, Representative of Mr. Alija Izetbegovic President of the Party of Democratic Action

Mr. S. Sito Coric, Representative of Mr. Miljenko Brkic President of the Croatian Democratic Community

met in Geneva on the 22 May 1992 to discuss different aspects of the application and of the implementation of international humanitarian law within the context of the conflict in Bosnia-Herzegovina, and to find solutions to the resulting humanitarian problems. Therefore

- conscious of the humanitarian consequences of the hostilities in the region;

- taking into consideration the Hague Statement of 5 November 1991;

- reiterating their commitment to respect and ensure respect for the rules of International Humanitarian Law;

the Parties agree that, without any prejudice to the legal status of the parties to the conflict or to the international law of armed conflict in force, they will apply the following rules:

1. General Principles

The parties commit themselves to respect and to ensure respect for the Article 3 of the four Geneva Conventions of 12 August 1949, which states, in particular:

1) Persons taking no active part in the hostilities, including members of armed groups who have laid down their arms and those placed "hors de combat" by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts shall remain prohibited at any time and in any place whatsoever with respect to the above mentioned persons:

a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

b) taking of hostages;

c) outrages upon personal dignity, in particular, humiliating and degrading treatment;

d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2) The wounded and sick shall be collected and cared for:

An impartial body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

2. Special agreement

In accordance with the Article 3 of the four Geneva Conventions of 12 August 1949, the Parties agree to bring into force the following provisions:

2.1 Wounded, sick and shipwrecked

The treatment provided to the wounded, sick and shipwrecked shall be in accordance with the provisions of the First and Second Geneva Conventions of 12 August 1949, in particular:

- All the wounded, sick and shipwrecked, whether or not they have taken part in the armed conflict, shall be respected and protected.

- In all circumstances, they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.

2.2 Protection of hospitals and other medical units

Hospitals and other medical units, including medical transportation may in no circumstances be attacked, they shall at all times be respected and protected. They may not be used to shield combatants, military objectives or operations from attacks.

The protection shall not cease unless they are used to commit military acts. However, the protection may only cease after due warning and a reasonable time limit to cease military activities.

2.3 Civilian population

The civilians and the civilian population are protected by Articles 13 to 34 of the Fourth Geneva Convention of 12 August 1949. The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. They shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

All civilians shall be treated in accordance with Articles 72 to 79 of Additional Protocol I. Civilians who are in the power of an adverse party and who are deprived of their liberty for reasons related to the armed conflict shall benefit from the rules relating to the treatment of internees laid down in the Fourth Geneva Convention of 12 August 1949.

In the treatment of the civilian population there shall be no adverse distinction founded on race, religion or faith, or any other similar criteria.

The displacement of the civilian population shall not be ordered unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

The International Committee of the Red Cross (ICRC) shall have free access to civilians in all places, particularly in places of internment or detention, in order to fulfil its humanitarian mandate according to the Fourth Geneva Convention of 12 August 1949.

2.4 Captured combatants

Captured combatants shall enjoy the treatment provided for by the Third Geneva Convention.

The International Committee of the Red Cross (ICRC) shall have free access to all captured combatants in order to fulfil its humanitarian mandate according to the Third Geneva Convention of 12 August 1949.

2.5 Conduct of hostilities

Hostilities shall be conducted in the respect of the laws of armed conflict, particularly in accordance with Articles 35 to 42 and Articles 48 to 58 of Additional Protocol I, and the Protocol on the prohibition or Restriction on the Use of Mines, Booby Traps and other Devices annexed to the 1980 Weapons Convention. In order to promote the protection of the civilian population, combatants are obliged to distinguish themselves from the civilian population.

2.6 Assistance to the civilian population

The Parties shall allow the free passage of all consignments of medicines and medical supplies, essential foodstuffs and clothing which are destined exclusively to the civilian population.

They shall consent to and cooperate with operations to provide the civilian population with exclusively humanitarian, impartial and non-discriminatory assistance. All facilities will be given in particular to the ICRC.

3. Red Cross Emblem

The Red Cross Emblem shall be respected. The Parties undertake to use the emblem only to identify medical units and personnel and to comply with the other rules of international humanitarian law relating to the use of the Red Cross emblem and shall repress any misuse of the emblem or attacks on persons or property under its protection.

4. Dissemination

The Parties undertake to spread knowledge of and promote respect for the principles and rules of international humanitarian law and the terms of the present agreement, especially among combatants. This shall be done in particular:

- by providing appropriate instruction on the rules of international humanitarian law to all units under their command, control or political influence;

- by facilitating the dissemination of ICRC appeals urging respect for international humanitarian law;

- by distributing ICRC publications.

5. Implementation

Each party undertakes to designate liaison officers to the ICRC who will be permanently present in meeting places determined by the ICRC to assist the ICRC in its operations with all the necessary means of communication to enter in contact with all the armed groups they represent. Those liaison officers shall have the capacity to engage those groups and to provide guarantees to the ICRC on the safety of its operations. Each party will allow the free passage of those liaison officers to the meeting places designated by the ICRC.

Each party undertakes, when it is informed, in particular by the ICRC, of any allegation of violations of international humanitarian law, to open an enquiry promptly and pursue it conscientiously, and to take the necessary steps to put an end to the alleged violations or prevent their recurrence and to punish those responsible in accordance with the law in force.

6. General provisions

The parties undertake to respect and to ensure respect for the present agreement in all circumstances.

The present agreement will enter in force on 26 May at 24h00 if all parties have transmitted to the ICRC their formal acceptance of the agreement by 26 May 1992 at 18h00.

Geneva, 22 May 1992

Enclosure 6

AGREEMENT ON THE RELEASE AND TRANSFER OF PRISONERS

At the invitation of the International Committee of the Red Cross,

Mr. K. Trnka	Representative of Mr. Alija Izetbegovic, President of the Republic of Bosnia-Herzegovina
Mr. D. Kalanic	Representative of Mr. Radovan Karadzic, President of the Serbian Democratic Party
Mr. S. Sito Coric	Representative of Mr. Mate Bodan, President of the Croatian Democratic Community
Mr. A. Kurjak	Representative of the Party of the Democratic Action
Mr. M. Popadic	Liaison Officer of the Serbian Democratic Party
Mr. M. Mujic	Liaison Officer of the Presidency of the Republic of the Republic of Bosnia-Herzegovina

met in Geneva on 30 September and 1 October 1992,

at a meeting chaired by Mr. Thierry Germont, ICRC Delegate General for Europe,

in the presence of the following observers:

for the Federal Republic of Yugoslavia:

-Ms Olga Lazic-Djerdj

for the Republic of Croatia:
-Mr. Ranko Vilovic

for the United Nations High Commissioner for Refugees:

-Mrs. A.M. Demmer, Director, Regional Bureau for Europe

have agreed on the following:

On the basis of the Agreement of 22 May 1992,

Accepting the good offices of the ICRC to help conclude the agreements to release prisoners in conformity with Chapter IV of the Agreement of 6 June 1992,

/...

Recalling the humanitarian plan of action their leaders accepted in London on 27 August 1992,

The undersigned have accepted the following:

Art. 1 Prisoners covered by this agreement

In this agreement the term "prisoners" means:

(a) all civilians deprived of their liberty for reasons related to the conflict, as defined in Art. 2.3 (2) of the agreement of 22 May 1992, including those interned, detained or subject to assigned residence.

(b) all captured combatants, as defined in Art. 2.4 of the Agreement of 22 May 1992,

including those accused of or sentenced for any crime related to the armed conflict.

Art. 2 Responsibility for prisoners

The parties are responsible for the application of this Agreement in respect to all prisoners held on territories under their control and will therefore ensure central control over all prisoners detained by individuals or local groups.

Art. 3 Release of prisoners

(1) All prisoners not accused of, or sentenced for, grave breaches of International Humanitarian Law as defined in Art. 50 of the First, Art. 51 of the Second, Art. 130 of the Third and Art. 147 of the Fourth Geneva Convention, as well as in Art. 85 of Additional Protocol I, will be unilaterally and unconditionally released.

(2) Each Party will release all prisoners it is holding in any given place of detention as soon as the ICRC so requests on the basis of a specific plan of operation for the release and transfer of the prisoners held in that place.

(3) In particular, the parties accept that the ICRC will draw up specific plans of operation and implement them within 31 October 1992 for the places of detention and via the tentative routings of transfer listed in Annex B, subject to the approval of any third country involved. In each place of detention all prisoners entitled to be released under para. (1) and present on the day of the implementation of the specific plan of operation will benefit from the operation, regardless of the notifications made under Article 6.

(4) The parties will grant the ICRC all the facilities necessary for the implementation of the specific plan of operation and will, in particular, guarantee the security of a transfer on the territory they control, including, if the ICRC so requests, by an armed escort. This is without prejudice to any UNPROFOR escort that might be requested by the ICRC in conformity with UN Security Council Resolution 776.

(5) The parties accept that under specific plans of operation prisoners may be transferred temporarily into neighbouring countries, where UNHCR may be involved in the implementation of such plans of operation, in conformity with its mandate.

(6) Each prisoner to be released has the right to express to the ICRC in a private interview his free will on whether he wishes to be released and transferred according to the specific ICRC plan of operation, or wishes to remain in detention.

(7) For prisoners who are nationals of third States the specific ICRC plan of operation shall always provide for the right to be transferred into their State of origin.

Art. 4 Prisoners not entitled to be released

(1) Prisoners not entitled to be released under Art. 3 (1) shall benefit from the judicial guarantees set out in Arts. 82-108 of the Third Geneva Convention if they are captured combatants, and Arts. 71-76 of the Fourth Geneva Convention if they are civilians. The ICRC shall in particular be informed in each such case of the charge pending against the prisoner.

(2) Even if convicted, such prisoners retain benefits of the treatment provided for in Art. 2.3 or 2.4 of the Agreement of 22 May 1992, depending on their status.

Art. 5 Assistance to the prisoners released and transferred

The parties accept that prisoners re;eased by virtue of Art.3 shall receive, as vulnerable groups, assistance from the ICRC and UNHCR, in accordance with the two organizations' respective mandates.

Art. 6 Notification of prisoners

(1) Each party will notify the ICRC before 7 October 1992 of all prisoners detained in the places of detention listed in Annex A1.

(2) Each party will notify the ICRC before 15 October 1992 of the name and location of any other places where prisoners are being held on the territory under its control and of all prisoners held in those places.

(3) Thereafter, the ICRC shall be notified within 14 days:

(a) of every prisoner captured, arrested, or transferred;

(b) of every new place of detention opened.

(4) The local liaison Officers of the parties will meet at least once every 14 days in a mutually agreed place to exchange lists of all prisoners held in their respective areas.

(5) All notifications referred to in this article and in Art. 9 shall contain at least the following details on the prisoners concerned:

-the name
-first name
-father's first name
-mother's first name and maiden name
-date of birth
-place of birth

Art. 7 Enquiries

(1) The ICRC and any party may ask any other party for information on the whereabouts of a prisoner held by the latter and previously registered by the ICRC in the power of that party, or allegedly detained by that party.

(2) The ICRC and any party may ask any other party about the location of any alleged place of detention and to be notified of any prisoners held there.

(3) The party approached will make any internal enquiries necessary to obtain the information requested.

Art. 8 ICRC access to prisoners

The ICRC shall have free access to all prisoners and may make a census of the population of any place of detention with a view to drawing up a specific plan of operation as provided for in Art. 3.

Art. 9 Notification of releases without ICRC involvement

In the events of any release, transfer, repatriation or exchange of prisoners in which the ICRC takes no part, the ICRC will be notified of all the prisoners concerned.

Art. 10 Right to return

Any prisoner released in or transferred to an area other than that of his or her former residence retains the right to return home at a later stage if he or she wishes to do so.

Art. 11 Validity of documents

(1) Any document, including a document renouncing or transferring property rights, assets or claims, signed by a prisoner who is to be released or transferred has no legal validity and does not in any way affect that prisoner's rights or obligations.

(2) Paragraph (1) is also applicable to documents signed by civilians to be transferred to an are other than their area of former residence.

Art. 12 Activities after release

The parties undertake not to recruit prisoners released and /or transferred under this Agreement in their armed forces or groups and to take all feasible measures that such prisoners do not take direct part in hostilities.

Geneva, 1 October 1992